

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

*Hastings
P.L.I.
29988*

FILE: B-216100 **DATE:** December 12, 1984
MATTER OF: Diesel Energy Systems Co.

DIGEST:

Protest by sixth low bidder against award of contract is dismissed since protester, who would not be in line for award even if its protest were upheld, is not interested party under GAO Bid Protest Procedures.

Diesel Energy Systems Co. (DESCO) protests the award of a contract to the low bidder, DMT Corporation (DMT), under invitation for bids No. FO2600-84-B-A009 issued by the Air Force. DESCO was the sixth low bidder.

We dismiss the protest.

Under our Bid Protest Procedures, a party must be "interested" in order to have its protest considered by our Office. 4 C.F.R. § 21.1(a) (1984). We have consistently held that a party is not interested if it would not be in line for award should its protest be upheld. Photica, Inc., B-211445, July 11, 1983, 83-2 CPD ¶ 74; James G. Tunison & Co., B-213394, Dec. 29, 1983, 84-1 CPD ¶ 38. Since other bidders lower in price than DESCO would remain eligible for award even if the DESCO protest against the award to DMT were successful, DESCO is not an interested party and its allegations regarding the award to the low bidder will not be considered.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel

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